

h

Notice of Allowability

Application No.

10/760,526

Examiner

Jila M. Mohandesi

Applicant(s)

GRANDIN, GIORGIO

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview 08/13/2007.
2. ☒ The allowed claim(s) is/are 1-3,5,6 and 8-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>08/17/2007</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|


JILA M. MOHANDESI
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney Mr. Robert F. Gnuse on August 13, 2007.

The application has been amended as follows:

Claims 4 and 12 were cancelled; claims 7 and 11 were previously cancelled.

The claims were amended as follows in order to place the application in condition for allowance:

1. (Currently Amended) An article of footwear comprising a sole and a shell of a composite structure at least in selected locations other than the sole, the composite structure being formed of a first layer and a second layer laid over and inseparably coupled with said first layer at respective interfacing surfaces, said first and second layers being made of materials having different mechanical properties wherein the layer made of materials with higher mechanical properties is provided with protruding elements that remain inseparably adhering to the interfacing surface of the other layer, which covers the protruding elements and entirely fills their interspace, at least a part of said protruding elements are ribs integral with the layer for stiffening selected locations of lateral and upper portions of the footwear, other than the sole of the footwear, said ribs extending radially and intersecting each other at points to form knots and thus form

Art Unit: 3728

a truss-like pattern comprising a plurality of knots over a plate, while the outermost and innermost surfaces of the shell are uniform and substantially smooth, and wherein at least the layer arranged on the outward facing side of the shell is made of a clear material.

2. (Previously Presented) An article of footwear according to claim 1, wherein the layer made of materials with lower mechanical properties is softer and is the one coming directly or indirectly in contact with the foot of the wearer.

3. (Currently Amended) An article of footwear according to claim 1, wherein [at least a part of said protruding elements are ribs for stiffening selected locations of lateral and upper portions of the footwear other than the sole of the footwear] said ribs provide stiffening through an increase of the moment of inertia of said composite structure with respect to a neutral axis, [said ribs being made integral with the layer, of which they are a part,] and are projecting from the interface surface of the same layer with no increase in the thickness of the shell.

4. (Canceled)

5. (Previously Presented) An article of footwear according to [any of the preceding claims] claim 1, wherein said some of said protruding elements are so arranged to create inscriptions, images, logotypes or the like on the interface surface of at least one of said layers, and at least the layer arranged on the outward facing side of the footwear is made of a clear material.

6. (Previously Presented) An article of footwear according to claim 5, wherein at least the protruding elements forming said inscriptions, images, logotypes or the like are provided with a luminescent finishing effect and/or in a different color with respect to the layer arranged on the outward facing side of the footwear.

7. (Canceled)

8. (Previously Presented) An article of footwear according to claim 1, further comprising a leg piece mounted to said shell, the leg piece being of a structure which is at least in selected locations said composite structure.

9. (Previously Presented) An article of footwear according to claim 1, wherein said material with higher mechanical properties is high-grade thermoplastic or thermosetting synthetic material.

10. (Previously Presented) An article of footwear according to claim 1, wherein the material of the other layer is lower grade thermoplastic or thermosetting synthetic material.

11. (Canceled)


12. (Canceled)

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M. Mohandesi whose telephone number is (571) 272-4558. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3728

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jila M Mohandesi
Primary Examiner
Art Unit 3728

JMM
August 17, 2007